

OFFICIAL GAZETTE



GOVERNMENT OF GOA

NOTE:— 1— The page Nos. of the Official Gazette Series I No. 44, dated 29-1-1998 be corrected as 737 to 744 and the Note therein be substituted as follows:

There are two extraordinary issues to the Official Gazette Series I No. 43 dated 22-1-98 namely:

- i) Extraordinary dated 22-1-98 from pages 731 to 734 regarding Notification from Department of Law and Judiciary (Legal Affairs Division).
- ii) Extraordinary No. 2 dated 22-1-98 from pages 735 to 736 regarding Corrigenda from Department of Power.

2— There are two Extraordinary issues to the Official Gazette Series I No. 44 dated 29-1-98 as follows:

- i) Extraordinary dated 4-2-98 from pages 745 to 746 regarding Notification from Department of Law and Judiciary (Legal Affairs Division).
- ii) Extraordinary No. 2 dated 4-2-98 from pages 747 to 832 regarding Notification from Department of Elections (Office of the Chief Electoral Officer).

GOVERNMENT OF GOA

Department of Law & Judiciary
Legal Affairs Division

Notification

10-5-96/LA-Vol.I

The Industrial Disputes (Amendment) Act, 1996 (Central Act 24 of 1996) which has been passed by Parliament and assented to by the President of India on 16th August, 1996 and published in the Gazette of India, Extraordinary, Part II Section I, dated 19th August, 1996 is hereby published for the general information of the public.

P. V. Kadneker, Joint Secretary (Law)

Panaji, 12th March, 1998.

THE INDUSTRIAL DISPUTES (AMENDMENT) ACT, 1996

AN
ACT

further to amend the Industrial Disputes Act, 1947.

Be it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Industrial Disputes (Amendment) Act, 1996.

(2) It shall be deemed to have come into force on the 11th day of October, 1995.

2. *Amendment of Act 14 of 1947.*— In section 2 of the Industrial Disputes Act, 1947 (hereinafter referred to as the principal Act), in clause (a), in sub-clause (i),—

(i) for the words and figures “the Industrial Finance Corporation of India established under section 3 of the Industrial Finance Corporation Act, 1948”, the words and figures “the Industrial Finance Corporation of India Limited formed and registered under the Companies Act, 1956” shall be substituted;

(ii) the words and figures ‘or the “Indian Airlines” and “Air India” Corporations established under section 3 of the Air Corporations Act, 1953’ shall be omitted;

27 of 1953.

(iii) for the words and figures “the Oil and Natural Gas Commission established under section 3 of the Oil and Natural Gas Commission Act, 1959”, the words and figures “the Oil and Natural Gas Corporation Limited registered under the Companies Act, 1956” shall be substituted;

1 of 1956.

(iv) for the words and figures “the International Airports Authority of India constituted under section 3 of the International Airports Authority Act, 1971”, the words and figures “the Airports Authority of India constituted under section 3 of the Airports Authority of India Act, 1994” shall be substituted;

43 of 1971.

55 of 1994.

(v) for the words “a banking or an insurance company”, the words “an air transport service, or a banking or an insurance company” shall be substituted.

3. *Repeal and saving.*— (1) The Industrial Disputes (Amendment) Third Ordinance, 1996 is hereby repealed.

Ord. 23 of 1996.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Notification

10/5/96/LA-Vol. II

The Delhi Development (Amendment) Act, 1996 (Central Act 36 of 1996) which has been passed by the Parliament and assented to by the President of India on 21st December, 1996 and published in the Gazette of India, Extraordinary, Part II, Section I dated 23rd December, 1996 is hereby published for general information of the public.

P. V. Kadneker, Joint Secretary (Law).

Panaji, 21st April, 1997.

THE DELHI DEVELOPMENT (AMENDMENT) ACT, 1996

AN

ACT

further to amend the Delhi Development Act, 1957.

Be it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Delhi Development (Amendment) Act, 1996.

2. *Substitution of references.*— Throughout the Delhi Development Act, 1957 (hereinafter referred to as the principal Act),—

(a) for the words “Union territory of Delhi”, wherever they occur, the words “National Capital Territory of Delhi” shall be substituted;

(b) for the word “Administrator”, wherever it occurs, the words “Lieutenant Governor” shall be substituted.

3. *Amendment of section 3.*— In section 3 of the principal Act, in sub-section (3), for clause (f), the following clause shall be substituted, namely:—

“(f) three representatives of the Legislative Assembly of the National Capital Territory of Delhi to be elected by means of a single transferable vote by the members of the Legislative Assembly from among themselves of which two shall be from among the ruling party and one from the party in opposition to the Government:

Provided that no member of the Council of Ministers for the Government of National Capital Territory of Delhi shall be eligible to be elected to the Authority.

Explanation.— For the purposes of this clause, “ruling party” and “party in opposition to Government” shall mean the ruling party and the party in opposition to the Government recognised as such by the Speaker of the Legislative Assembly of the National Capital Territory of Delhi;.

Notification

10-5-96/LA-Vol. II

The Finance Act (Amendment) Ordinance, 1997 (Ordinance No. 16 of 1997) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary,

Part II, Section I, dated 16th September, 1997 is hereby published for general information of the public.

P. V. Kadneker, Joint Secretary (Law).

Panaji, 22nd October, 1997.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi, the 16th September, 1997/Bhadra 25, 1919
(Saka)*

**THE FINANCE ACT (AMENDMENT) ORDINANCE,
1997**

No. 16 of 1997

Promulgated by the President in the Forty-eighth Year of the Republic of India.

An Ordinance further to amend the Finance Act, 1979 and the Finance (No. 2) Act, 1996.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*— (1) This Ordinance may be called the Finance Acts (Amendment) Ordinance, 1997.

(2) It shall come into force at once.

2. *Amendment of Act 21 of 1979.*— In sub-section (1) of section 35 of the Finance Act, 1979, with effect from such date as the Central Government may, by notification in the Official Gazette, appoint, in clause (i), for the words “three hundred rupees”, the words “seven hundred and fifty rupees” shall be substituted.

3. *Amendment of Act 33 of 1996.*— In section 68 of the Finance (No. 2) Act, 1996,—

(a) in sub-section (1), for the words “two per cent.”, the words “five per cent.” shall be substituted;

(b) to sub-section (1), the following proviso shall be added, namely:—

“Provided that in the case of goods falling under heading Nos. 27.09 to 27.15 and heading No. 98.01 of the said First Schedule, the provisions of this sub-section shall have effect as if for the words “five per cent.”, the words “two per cent.” had been substituted.”

K. R. NARAYANAN,
President.

K. L. MOHANPURIA,
Secy. to the Govt. of India.



Notification

7-38-97/LA

The Goa Municipalities (Second Amendment) Act, 1997 (Goa Act 7 of 1998), which has been passed by the Legislative Assembly of Goa on 16-12-1997 and assented to by the Governor of Goa on 22-1-1998, is hereby published for general information of the public.

P. V. Kadneker, Joint Secretary, Law.

Panaji, 28th January, 1998.

THE GOA MUNICIPALITIES (SECOND AMENDMENT) ACT, 1997

(Goa Act No. 7 of 1998) [22-7-1998]

AN

ACT

further to amend the Goa Municipalities Act, 1968.

Be it enacted by the Legislative Assembly of Goa in the Forty-eighth Year of the Republic of India as follows:—

1. *Short title and Commencement.*— (1) This Act may be called the Goa Municipalities (Second Amendment) Act, 1997.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*— In section 2 of the Goa Municipalities Act, 1968 (Act No. 7 of 1969) (hereinafter referred to as 'principal Act'),—

(i) in clause (9), the words "or co-opted or nominated" shall be omitted;

(ii) after clause (51a), the following clause shall be inserted, namely:—

"(51b) 'Election Commission' means the Election Commission constituted under the section 237 of the Goa Panchayat Raj Act, 1994. (Goa Act 14 of 1994);".

3. *Amendment of section 9.*— In section 9 of the principal Act, —

(i) for sub-section (1), the following shall be substituted, namely:—

"(1) Save as otherwise provided by this Act, every Council shall consist of Councillors elected at ward elections."

"Provided that

(1) in every Council, not less than 1/3 seats shall be reserved for women;

(2) in every Council, seats shall also be reserved for Scheduled Caste and the Scheduled Tribes and for Women belonging to

Scheduled Caste, as the case may be, the Scheduled Tribes as provided under sub-section (2)".

(ii) sub-section (5) shall be omitted;

(iii) after sub-section (5) as omitted, the figures, brackets and expressions shall be omitted.

4. *Insertion of new section.*— After section 9 of the principal Act, the following shall be inserted, namely:—

"9A. (1) Notwithstanding anything contained in the Act, the Member of the Legislative Assembly of Goa representing the Constituency which comprises wholly or partly by municipal area, and any one Ex-Councillor as to be nominated by the Council with prior approval of the Government, shall have right to associate at the meeting of the concerned Municipal Council and take part in the proceedings of the Council but shall have no right to vote.

(2) For every meeting of a Council, a notice of meeting specifying the date, hour and place at which such meeting is to be held and the business to be transacted thereat shall be served upon the concerned Member of Legislative Assembly of the State of Goa as well as on the Ex-Councillor, if any associated with the Council.".

5. *Amendment of section 16.*— In section 16 of the principal Act, —

(i) in sub-section (1),—

(a) for the figure and expression "whether by election, co-option or nomination," the expression "by election" shall be substituted;

(b) in clause (c), after the figure "45", the figures "46" shall be inserted.

(ii) In sub-section (2), in clause (f), for the word "Collector", the word "Director" shall be substituted.

6. *Omission of section 21.*— Section 21 of the principal Act shall be omitted.

7. *Amendment of section 22.*— In section 22 of the principal Act, —

(i) in the heading, the figure and words "co-option or nomination" shall be deleted;

(ii) in sub-section (1), the words "or co-option" shall be deleted;

(iii) in sub-section (2), in clause (b), the words "or co-option" shall be deleted;

(iv) in sub-section (3), clause (c) shall be deleted;

(v) in sub-section (4), clause (d) shall be deleted.

8. *Amendment of section 42.*— In section 42 of the principal Act, the sub-section (5) shall be deleted.

9. *Amendment of section 46.*— In section 46 of the principal Act, —

(i) in sub-section (1), in clause (d), the words "months from the" shall be omitted;

(ii) in sub-section (2), the figures and words ", whether elected or co-opted," shall be omitted;

(iii) in the explanation, the words "or co-opted" and "or co-option" wherever they occur, shall be omitted.

10. *Amendment of section 50.*— In sub-section (1) of section 50 of the principal Act, —

(i) the words "or co-opted" wherever they occur, shall be deleted;

(ii) the words "or co-option" wherever they occur, shall be deleted.

11. *Amendment of section 51.*— In section 51 of the principal Act, —

(i) in sub-section (1), for the words "the municipal Government of a municipal area", the words "the administration of a municipal area" shall be substituted;

(ii) in sub-section (2), in clause (o), for the word "Collector", the word "Director" shall be substituted;

(iii) in sub-section (3), for clause (u), the following shall be substituted, namely:—

"(u) any public reception, ceremony, fair, entertainment or exhibition held in the municipal area, within the amount as may be determined by Director from time to time.".

12. *Amendment of section 52.*— In section 52 of the principal Act, —

(i) sub-sections (6) and (7) shall be deleted;

(ii) in sub-section (8),—

(a) in clause (a), for the figure and word "; and", the figure"." shall be substituted;

(b) clause (b) shall be deleted.

(iii) after sub-section (8), the following shall be inserted, namely:—

"(9) Notwithstanding anything contained in this Act, a person who has been rendered disqualified under section 61A of the Act to be Chairperson or Vice-Chairperson, he shall not be qualified to be elected as Chairperson or Vice-Chairperson of the concerned municipal Council for a period of five years from the date of such disqualification.".

13. *Amendment of section 56.*— In section 56 of the principal Act, —

(i) in sub-section (1), brackets and expression "(excluding the co-opted Councillors)" shall be deleted.

(ii) in sub-section (2),—

(a) for words "one-fourth", the words "one third" shall be substituted;

(b) brackets and expressions, "(excluding the co-opted Councillors)" shall be deleted; ·

(iii) in sub-section (4), the paragraph below clause (b) shall be deleted.

14. *Insertion of new section.*— After section 61 of the principal Act, the following shall be inserted, namely:—

"61A. Disqualification of Chairperson and Vice-Chairperson.— (1) The Chairperson or the Vice-Chairperson, while holding the office, shall stand disqualified, if—

(a) he persistently fails to discharge his duties conferred under the Act; or

(b) he commits illegality or acts in a manner highly prejudicial to the interest of the Council; or exercises any powers not vested in him either under the Act or by any order of the Government;

(c) he is employed in any corporation, whether statutory or otherwise, owned or controlled or financed in part or fully by the Central Government, the Government or any State Government; or

(d) he has so abused his position in the opinion of the Director as to render his continuation as Chairperson or Vice-Chairperson is detrimental to the interest of the Council or has been guilty of misconduct in neglect of his duties or otherwise unfit to hold his office.

(2) In every case of disqualification of the Chairperson or the Vice-Chairperson, the authority to decide the matter shall be the Director. The Director, on the application of any person made to him, or on his own motion, shall decide if any disqualification is incurred by the Chairperson or the Vice-Chairperson and such decision shall be communicated to the Chairperson or the Vice-chairperson concerned.

(3) Any person aggrieved by the decision of the Director, may within a period of fifteen days from the date of receipt of the decision of the Director, appeal to the Administrative Tribunal and the order passed by the Administrative Tribunal shall be final:

Provided that no order shall be passed under sub-section (2) by the Director or under sub-section (3) by the Administrative Tribunal in appeal against the Chairperson or the Vice-Chairperson without giving him a reasonable opportunity of being heard.".

15. *Amendment of section 63.*— In section 63 of the principal Act, —

(i) in sub-section (1), and any other sub-sections, for the word 'appoint' wherever they occur, the word "constitute" shall be substituted, respectively;

(Signature)

(ii) in sub-section (4), for clause (b), the following shall be substituted, namely:—

“(b) determining the subject Committee or Committees, if any, to be constituted and the number of members of each such committee;”;

(iii) in sub-section (5), the figures and the expression “, other than that of which the Vice-Chairperson is to be the Ex-Officio Chairman,” shall be omitted.

16. *Amendment of section 64.*— In section 64 of the principal Act, in sub-section (1), for clause (b), the following shall be substituted, namely:—

“(b) the Vice-Chairperson.”.

17. *Omission of section 65.*— Section 65 of the principal Act shall be omitted.

18. *Amendment of section 66.*— For section 66 of the principal Act, the following shall be substituted, namely:—

“66. Term of office of Chairman and members of Standing and Subjects Committees.—(1) The term of office of Chairman and the members of the Standing Committee and a Subject Committee shall be co-terminus with the term of the Chairperson during whose period they are elected.

(2) In the event of any office of the Standing Committee or Subjects Committee becoming vacant, the powers exercisable by such Committees shall be exercised by the Chief Officer with the approval of the Director, till the concerned committees are duly elected.”.

19. *Amendment of section 67.*— For section 67 of the principal Act, the following shall be substituted, namely:—

“67. Vacancies in the Committees of the Council.—(1) If there is any vacancy in the office of the member of the Committee due to any reason whatsoever, such vacancies shall be filled up in the manner as laid down under section 63 of the Act and the members so elected shall hold the term in whose place is to be filled up.

(2) A vacancy occurring in the office of the Chairman of any Subjects Committee shall be filled up after filling up all vacancies in the Committee by holding the meeting by the Chairperson of the Council.

(3) All members including Chairman of the Standing Committee and the Subjects Committee who are holding such office at the commencement of the Goa Municipalities (Second Amendment) Act, 1997, shall continue to hold office till their term is over or till such date as may be notified by the Government in the Official Gazette, which ever is earlier.

(4) In case the office of the members or Chairman of the Standing Committee remains vacant after being notified by the Government under sub-section (3), the Chairperson shall hold election to such Committee in terms of sub-section (4) of section 63 of the Act.”.

20. *Amendment of section 71.*— In section 71 of the principal Act,—

(i) above the heading, in the title of the Chapter IV, for the expression “Director of Municipal Administration and Collector” the expression “Director of Urban Development” shall be substituted.

(ii) in sub-section (1),—

(a) for the heading “Appointment of Director of Municipal Administration and his powers and the powers of the Collector”, the heading “Appointment of Director of Urban Development and his powers” shall be substituted.

(b) for the words “appoint a Director of Municipal Administration”, the words “appoint a Director of Urban Development” shall be substituted.

(iii) in sub-section (3), for the words “Additional Director of Municipal Administration”, the words “Additional Director of Urban Development” shall be substituted.

21. *Amendment of section 75.*— In section 75 of the principal Act, for the expression “, other than Chief Officer, shall be such as the Standing Committee”, the expression “shall be such, as the Chief Officer” shall be substituted.

22. *Amendment of section 78.*— In section 78 of the principal Act,—

(i) in sub-section (2), for the words “not less than one fourth”, the words “not less than one third” shall be substituted.

(ii) in sub-section (7), in clause (b),—

(a) in item (i), for the expression “and any Councillor so ordered”, the expressions “and any Councillor or the Member of Legislative Assembly of Goa or Ex-Councillor associated with the Council so ordered” shall be substituted;

(b) in item (ii), for the words “if any Councillor”, the words “if any Councillor or the Member of Legislative Assembly of Goa or Ex-Councillor associated with the Council” shall be substituted.

23. *Amendment of section 89.*— In section 89 of the principal Act,—

(i) in sub-section (2), in clause (c), for the expression “No contract which will involve an expenditure exceeding Rs. 1500, Rs. 1000 and Rs. 500,”, the expression “No contract which involve such amount of expenditure as notified by the Government from time to time” shall be substituted.

(ii) in sub-section (3), in proviso, in item (b), for expression “exceeding five hundred rupees”, the expression “exceeding such amount as may be notified by the Government from time to time” shall be substituted.

(iii) in sub-section (6), for the expression “an expenditure exceeding one thousand rupees”, the expression “an expendi-

ture exceeding the amount as notified by the Government from time to time" shall be substituted.

(iv) in sub-section (8), for the word "Collector", the word "Director" shall be substituted.

24. *Amendment of section 293.*—In section 293 of the principal Act,—

(i) in sub-section (1), for the expression "If, in the opinion of the Director," the expression "If on the receipt of an application of any person or on his own motion, the Director is of opinion that" shall be substituted.

(ii) for sub-sections (2), (3) and (4), the following shall be substituted, namely:—

"(2) Any person aggrieved by the abovesaid order of the Director, may within a period of fifteen days from the date of receipt of the order of the Director by him, appeal to the Administrative Tribunal and the order passed by the Administrative Tribunal shall be final:

Provided that no order shall be passed under sub-section (1) by the Director or under sub-section (2) by Administrative Tribunal in appeal against any person without giving him a reasonable opportunity of being heard."

Secretariat Annexe,
Panaji,
Dated: 28-1-1998

B. S. SUBBANNA,
Secretary to the Government of Goa,
Law Department (Legal Affairs)

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Department of Panchayat Raj & Community Development

Directorate of Panchayats

Notification

20/DP/GPC/97-98

The following draft rules which the Government proposes to make under clause (b) of sub-section (2) of section 63 read with section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994); are hereby pre-published as required by sub-section (1) of section 240 of the said Act, for information of the persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration by the Government on the expiry of 15 days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the said draft rules may be forwarded to the Director of Panchayats and Ex-Officio Joint Secretary, Junta House, 3rd lift, 3rd floor, Panaji, before the expiry of 15 days from the date of publication of this Notification in the Official Gazette.

DRAFT RULES

In exercise of the powers conferred by clause (b) of sub-section (2) of section 63 read with sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994, (Goa Act 14 of 1994), the Government of Goa hereby makes the following rules, namely:—

CHAPTER — I

Preliminary

1. *Short title and commencement.*— (1) These rules may be called the Goa Panchayat Raj (Co-option of members of Standing Committees) Rules, 1997.

(2) They shall come into force at once.

2. *Definitions.*— In these rules unless the context otherwise requires,—

(a) "Act" means the Goa Panchayat Raj Act, 1994 (Act 14 of 1994);

(b) "Committee" means a committee constituted under section 63 of the Act.

(c) "Co-option" means members co-opted under clause (b) of sub-section (2) of section 63 of the Act;

(d) "Election" means an election to elect a member of the Committee from amongst the members of the Panchayat;

(e) "Presiding authority" means the Sarpanch and in his absence, the Deputy Sarpanch of the Panchayat and in the absence of both, any member of the Panchayat elected by the members of the Panchayat from amongst themselves;

(f) "Section" means a section of the Act;

(g) "Words and phrases" used but not defined in this rules, shall have the same meaning as assigned to them in the Act.

CHAPTER — II

3. *Rights and liabilities of Co-opted members.*— The co-opted members shall not have the right to vote but shall have the right to take part in the discussions of the Committee.

CHAPTER — III

Election

4. *Procedure for election of members.*— (1) The Panchayat shall fix the date, time, place and programme of election of members of the Committees and shall cause the notice thereof to be displayed on the notice board of the Panchayat seven days in advance. A copy of notice shall also be affixed at conspicuous places in the Village Panchayat area. A copy of the notice shall also be endorsed to the Block Development Officer for information.

(2) *Filling of nomination.*— The nomination for election of member of the Committee, shall be made before the Presiding Authority by means of a nomination paper in Form I hereto.

(3) Every nomination paper shall be signed by two members of the Panchayat as proposer and seconder respectively and the candidate shall sign a declaration on it expressing his willingness to stand for the election.

(4) Each candidate shall file a separate nomination paper.

(5) Every nomination shall be presented to the Presiding Authority by the candidate or his proposer or seconder on the date, at the place and during the hours specified in the notice for filing nomination papers.

(6) Immediately after the date and time for receipt of nomination papers is over, the Presiding Authority shall publish a list, in Form II hereto, containing the names of the candidates whose nominations have been received.

5. *Scrutiny of nomination papers.*—(1) On the date appointed for the scrutiny of nominations, the candidate, his proposer and seconder may attend at such place and time as is specified in the notice, for the scrutiny of nomination papers and the Presiding Authority shall give such persons all reasonable facilities to examine the nomination papers of all the candidates which have been received.

(2) The Presiding Authority shall then examine the nomination papers and shall decide all objections which may be made at that time to any nomination and may, either on such objection or on his own motion and after such enquiry, if any, as he may deem necessary, reject any nomination on any one or more of the following grounds, namely:—

(a) that the candidate is not eligible for election as a member of any Committee under the provisions of the Act;

(b) that the candidate is disqualified for being a member of any Committee by a competent authority or by a competent Court of Law;

(c) that the candidate is restrained by an order of competent authority or a competent Court of Law for being chosen as a member of any Committee;

(d) that the candidate, proposer or seconder, as the case may be, is a person who is not a member of the Panchayat;

(e) that the proposer or seconder is restrained by an order of a competent authority or a competent Court of Law from voting.

Provided that the nomination of a candidate shall not be rejected merely on the ground of an incorrect description of his name or of the name of his proposer or seconder, or of any other particulars relating to the candidate or his proposer or seconder, if the identity of the candidate, proposer or seconder, as the case may be, may otherwise be established beyond reasonable doubt.

(3) The Presiding Authority shall endorse on each nomination paper his/her decision accepting or rejecting the same and if the nomination paper is rejected, shall record in writing a brief statement of reasons for such rejection.

6. *Publication of the list of nominated candidates.*—The Presiding Authority shall, before the time fixed for the meeting for election, cause to be published a list containing the name of the validly nominated candidates in Form III hereto by affixing it on the Notice Board of the Panchayat.

7. *Withdrawal of candidature.*—A candidate may withdraw his candidature by giving a notice in writing to that effect to the Presiding Authority within the time limit as specified in the notice. The notice of withdrawal shall be as specified in Form IV hereto.

8. *Procedure after publication of the list of validly nominated candidates.*—(1) If, there remains after withdrawal, only one duly nominated candidate, there shall be no voting and such candidate shall be declared to have been duly elected as the member of the Committee.

(2) If there are two or more such candidates, an election shall be held by secret Ballot, and votes of the members present at the meeting shall be taken.

9. *Voting and result of election.*—(1) The Presiding Authority shall cause arrangements to be made so as to ensure the secrecy of the ballot.

(2) Every member wishing to vote shall be supplied with a ballot paper duly authenticated by the seal and signature of the Presiding Authority, on which names of duly nominated candidates shall be printed/typed; cyclostyled or legibly written in English and Devnagari script in the alphabetical order of their names in the form as specified in Form V hereto.

(3) Every member shall place a cross mark (x) in column (2) of the ballot paper against the name of the candidate for whom he wishes to vote, with a ball pen or a pencil of any colour:

Provided that if a member is illiterate or unable to vote in the above manner on account of illiteracy, the Presiding Authority, shall, at the request of such member, make the mark, on the ballot paper according to the directions of such member.

(4) The member shall then fold up the ballot paper so as to conceal his vote and deposit the same in a ballot box placed in the view of the Presiding Authority or hand over the same to the Presiding Authority.

(5) Every member wishing to record his vote shall do so in person and not by proxy.

(6) The Presiding Authority shall, after the voting is over,—

(a) count the votes in the presence of such members as may be present and declare the candidate securing the largest number of valid votes to have been elected;

(b) in the event there is an equality of votes between the candidates, draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been duly elected.

10. *Validity of the ballot paper.*— Any ballot paper which bears any mark or signature of any of the voting member by which the voter may be identified or on which the mark (x) is placed against more than one name or in an ambiguous manner or which does not bear the Official seal and signature of the Presiding Authority referred to in sub-rule (2) of rule 9, shall be invalid.

11. *Preparation of record of proceedings and publication of result of election.*— Immediately after the meeting for election the Presiding Authority shall,—

(a) prepare a record of the proceedings at the meeting, and sign it, attesting with his initials every correction made therein, and also permit any member present at the meeting to affix his signature to such record, if he expresses his desire to do so;

(b) publish on the notice board of the Panchayat, a notice signed by him stating the name of the person/s elected as member/s of any committee, and send a copy of such notice in duplicate to the Block Development Officer. Such Notice shall be in Form VI hereto.

12. *Packing and preservation of election record.*— (1) The Presiding Authority shall then make packets of the ballot papers and other papers relating to the election, seal up the packets, and note thereon a description of the contents the election to which they relate with the date thereof, and send the same to the Block Development Officer.

(2) The packets shall be retained in the safe custody in the office of the Block Development Officer for a period of one year and shall then, unless otherwise directed by a competent authority or Court, be destroyed.

13. *Adjourned meeting.*— If, at a meeting called for the election of a member of any Committee, no member is elected for any reason whatsoever, the Presiding Authority shall adjourn the same to another date to be notified by the Panchayat in due course.

14. *Dispute regarding election or Co-option of member.*— (1) In the event of any dispute arising as to the validity of the election or Co-option of the members, the dispute shall be referred to the Block Development Officer by the aggrieved person, and the decision of the Block Development Officer thereon shall be final:

Provided that no such dispute shall be entertained by the Block Development Officer if the same is not filed in the form of an election petition duly verified by the Petitioner, within a period of 15 days from the date of declaration of result as aforesaid.

(2) The Block Development Officer in deciding a reference under sub-rule (1), shall have the same powers and shall follow the same procedure as is provided for deciding election petitions under the provisions of the Act and rules framed thereunder.

(3) An order passed under this rule shall be final and conclusive.

15. *Assistance of Secretary.*— The Secretary of the Panchayat shall assist the Presiding Authority in conducting the election of members of the Committees whenever the Presiding Authority seeks his assistance.

Form - I

[See sub-rule (2) of rule 4]

Nomination form for election as member of _____ Committee.

(1) Name of the Panchayat _____

(2) Full name of the Candidate _____

(3) Father's or Husband's name _____

(4) Age _____

(5) Sex _____

(6) Address _____

(7) Full name and address of the Proposer _____

(8) Full name and address of the Seconder _____

(1) Signature of the Proposer (2) Signature of the Seconder

Date: _____ Date: _____

Place: _____ Place: _____

CANDIDATE'S DECLARATION

I, the above named Candidate, give my consent to this nomination.

Date: _____

Place: _____ Signature of the Candidate _____

ENDORSEMENT BY THE PRESIDING OFFICER

Serial number

This nomination paper was presented to me by (name) at (hour) (on) (date). Decision of Presiding Authority, Accepted/Rejected (If rejected give reasons).

Date: _____

Place: _____ Signature of the Presiding Authority _____

Serial No.

Received nomination paper of Shri/Smt. for election as member of Committee



of Village Panchayat proposed and seconded by (1) and (2) respectively, which was presented to me at (place) at (time) this day of 19 by Shri

Signature of the Presiding Authority

FORM - II

[See rule 4 (6)]

List of candidates proposed for nomination for election as member of Committee of Village Panchayat of

Sr. No.	Name of the Candidate	Address of Candidate	Remarks
(1)			
(2)			
(3)			
(4)			
(5)			
(6)			

Date:

Place: *Signature of the Presiding Authority*

FORM - III

(See rule 6)

List of the candidates validly nominated for election as member of Committee of Village Panchayat of

Sr. No.	Name of the Candidate	Address of Candidate	Remarks
(1)			
(2)			
(3)			
(4)			
(5)			
(6)			

Date:

Place: *Signature of the Presiding Authority*

FORM - IV

NOTICE OF WITHDRAWAL

(See rule 7)

Election to the Committee of the Village Panchayat of

To,
The Presiding Authority
..... Village Panchayat

Sub:- Withdrawal of candidature

Sir,

I, the undersigned, Shri a Candidate validly nominated for the post of member of Committee of Panchayat, do hereby give notice that I withdraw my candidature.

Yours faithfully,

Place:

Date: *Signature of the Candidate*

This notice was delivered to me at (hours) on (date) by (name) the Candidate.

Date: *Signature of the Presiding Authority*

Receipt for Notice of Withdrawal

(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by a Candidate at the election to the was delivered to me by at (hours) on (date).

Signature of the Presiding Authority

FORM - V

[See rule 9 (2)]

BALLOT PAPER

Village Panchayat Committee *Signature and seal of the Presiding Authority*

Sr. No.	Name of the Candidate with the name of father or husband and residence	For mark (X) by Voter
(1)		
(2)		
(3)		
(4)		

FORM - VI

(Notice)

[See rule 11 (b)]

In pursuance of clause (b) of rule 11 of the Goa Panchayat Raj (Co-option of members of Standing Committee) Rules, 1997, I, the Presiding Authority, do hereby declare that the person specified in column (2) of the Schedule below is duly elected as member of

..... Committee of the Village Panchayat mentioned in the corresponding entry in column (1) of the said Schedule.

Place:

Date:

Presiding Authority

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats and Ex-Officio Joint Secretary.

Panaji, 15th December, 1997.

SCHEDULE

Name of Village Panchayat (1)	Name of member and his address (2)

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